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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,002	02/16/2001	Leo Driessen	CS1089#SP	3636
7590	05/05/2005		EXAMINER	
The Black & Decker Corporation 701 East Joppa Road Towson, MD 21286			LOPEZ, MICHELLE	
			ART UNIT	PAPER NUMBER
			3721	
DATE MAILED: 05/05/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/788,002	DRIESSEN, LEO
	<b>Examiner</b>	<b>Art Unit</b>
	Michelle Lopez	3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 January 2005.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-4,6,8-16 and 18-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4,6,8-16,18-21 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____.  | 6) <input type="checkbox"/> Other: _____.                                   |

**DETAILED ACTION**

1. This action is in response to the amendment filed on January 27, 2005.
2. New claims 20 and 21 have been added.

***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 6, 8-16, 20-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Bone (6,286,611).

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Bone discloses a body having a motor 20, a first output shaft 24 that is operatively coupled to the motor, an attachment 50 to be selectively fixed with the body, wherein the attachment includes an input shaft 102 for operative engagement with the first output shaft of the body when the attachment is engaged with the body, and wherein the attachment includes a further output shaft 114 for transmitting rotational motion derived from rotational motion of the attachment input shaft 102; a lock (not shown numerically) having a first portion that is associated with the body and a second portion that is associated with the attachment, wherein the lock being operable in a locked condition wherein the first and second portions are engaged to

one another to thereby secure the body and the attachment together, and the lock being further operable in an unlocked condition wherein the first and second portions are disengaged from one another to permit the attachment to be removed from the body (see col. 6; lines 23-47); the body and the attachment have a respective gear mechanism for causing a change in rotational speed as between the input and the output of the respective gear mechanism, thereby providing a serially-coupled gear mechanism (see col. 2; lines 9-20, 43-50, and col. 9; lines 19-58).

With regards to claim 1, the lock provides an operator with a tool-less means by which the operator may couple the attachment to the body via a push button (col. 6; lines 40-47).

With regards to claims 2 and 16, the gear mechanism 32 of the body is between the motor 20 and the first output shaft 24.

With regards to claim 3, the gear mechanism of the attachment is between the attachment input shaft 102 and the further output shaft 114.

With regards to claim 4, the ratio of input rotational speed to rotational output speed for each respective gear mechanism is fixed (see col. 1; lines 56-67, col. 2; lines 1-19).

With regards to claim 6, the first input shaft and the attachment input shaft are splined for axial engagement with each other (see col. 2; lines 43-50).

With regards to claim 8, Bone discloses a plurality of attachment, each one of which may operatively engage with the body (see col. 1; lines 56-67).

With regards to claims 9, 10, and 15, Bone discloses that the gear mechanism 32 of the body is operable to change a rotational ratio from the motor to the output shaft of the body, wherein the gear mechanism of the attachment is operative for changing a rotational ratio from

the output shaft of the body to an output of the attachment, mediating the rotational speed of the power tool (see col. 8; lines 33-58).

With regards to claim 11, Bones discloses a first gear arrangement disposed within the body operative for non-adjustably changing a rotational ratio from the motor to an output of the body (see Fig. 1), a second gear arrangement disposed within the attachment engaging and driven by the first gear arrangement when the attachment is fixed to the body (see Fig. 7), and a lock for releasably coupling the body and the attachment, wherein the lock includes a first lock portion and a second lock portion being configured to engage the first lock portion in response to a manual input applied from a hand of an operator directly to the lock via a push button (see col. 2; lines 23-47).

With regards to claim 20 and 21, Bone discloses wherein the second portion of the lock includes first and second co-axial spigot members axially spaced apart from each other, the first spigot member extending from an end of the attachment and received within a first opening in the body, the second spigot member having a diameter smaller than the first spigot member, extending from the first spigot member through a second opening in an interior of the body when the attachment is coupled to the body, the first spigot member including a radially extending projection for co-operating engagement with a slot formed in the second portion of the lock to orientate the attachment in a predetermined orientation relative to the body as shown in Fig. 2 –4 and col. 5; 33-54.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bone (US 6,286,611) in view of Curtiss (4,274,304) and or in view of applicant's admitted prior art. Bone discloses the invention substantially as claimed but does not explicitly show an epicyclic gearbox for each gearing mechanism.

However, Curtiss teaches the use of an epicyclic gear box with a motor and tool attachment arrangement as in column 2, lines 18-45 for the purpose of compact lightweight design as in column 2, lines 45-60. Therefore, it would have been obvious to one having ordinary skill in the art to provide Bone's invention with an epicyclic gear box in order for compact and lightweight design as is commonly practiced in the art.

Furthermore, this modification is further made obvious by applicant's statement on page 57, lines 7-11, that those skilled in the art would recognize the use of an epicyclic gear reduction mechanism is standard practice, therefore, the epicyclic gear reduction mechanism is not described in detail in the specification.

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**PETITION UNDER 37 CFR 1.48(C)**

5. In view of the papers filed January 27, 2005 it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(c). The inventorship of this application has been changed to include inventor Daniel Bone.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected.

***Response to Arguments***

6. Applicant's arguments have been fully considered but they are not persuasive. Applicant submitted a request to correct inventorship to include inventor Daniel Bone and claims priority to Bone'611 patent, thus request removing Bone'611 from the prior art.

Examiner contends that Bone'611 does presently apply as prior art, thus maintains the rejections under 35 U.S.C. 102(e) and 103(a).

7. The change in inventorship and the various submitted documents do not establish that ownership of the Bone reference and the application was by the same person at the time of the invention was made. See MPEP 706.02(l)1-706.02(l)(3) and 2136. To overcome the rejection, a statement showing common ownership at the time of the invention was made should be submitted.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



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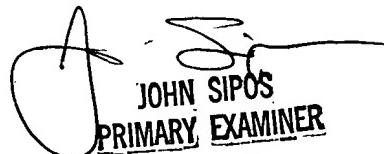
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

*Conclusion*

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Lopez whose telephone number is 571-272-4464. The examiner can normally be reached on Monday - Thursday: 8:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JOHN SIPOS  
PRIMARY EXAMINER